

UNITED STATES DISTRICT COURT

District of Minnesota

Stephen Allwine
Plaintiff/Petitioner

v.

William Bolin, Warden of MCF-Stillwater
Defendant/Respondent

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U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA
Case Number:
24-cv-439 (JRT/DLM)

AFFIDAVIT FOR
EXHIBIT CC:
DEVICES GIVEN TO CFS



I, Stephen Allwine, deposes and says I have personal knowledge of the following:

1. I am the Petitioner, having filed a Petition for Habeas Corpus Relief in this court.
2. This is a list of all the devices that the State provided to Computer Forensic Services (Mark Lanterman's company).
3. It is documented by Nate Dittmar of Computer Forensic Services (CFS).
4. The actual devices were given to CFS by the State, not copies or images.
5. Detective Raymond stated that forensics are done on an image of the actual device so that nothing can be written to the device. If the job of CFS was strictly to do forensics on the devices then they could have accomplished that with images and they did not need the actual devices. At which point, the devices would still be protected in evidence and would have been available for the defense to examine as well.
6. When the State provided the original devices to CFS, CFS was now able to modify the original device; therefore, the State lost chain of custody on the evidence. There is no proof that the devices remain in the same state in which they were retrieved from the Petitioner.
7. By providing the original devices to CFS, the State effectively eliminated the Petitioner's ability to analyze the devices. When the Petitioner

requested copies of the devices for analysis, CFS said that they would make a copy at a cost of at least \$750/image (Appendix 21). With 66 devices that is a total of almost \$50,000, and the Petitioner is indigent.

9. The lower courts refused to provide the Petitioner with funds to obtain this evidence, violating the Petitioner's Equal Protection rights.
10. When the Petitioner requested the actual devices from CFS (rather than having them make copies), CFS said that it had to be approved by the State, and the State said that they couldn't release the devices while appeals are ongoing. The State is purposely forestalling any use of the evidence by the Petitioner until all appeals are exhausted.
11. The State violated the Petitioner's Sixth Amendment Compulsory Process, because without access to the evidence he would be unable to obtain a computer forensics expert to testify on his behalf.
12. The State violated the Confrontation Clause of the Sixth Amendment, because without access to the evidence the Petitioner would not have the data required to impeach or even properly cross-examine Mr. Lanterman (the State's expert witness, who did have access to the devices).
13. The evidence being withheld by CFS (and by proxy, the State) is material and favorable evidence to prove the Petitioner's innocence, and to impeach the State's witnesses.
14. Item 004 (Samsung S5 SM-6900V) contains the Petitioner's Bitcoin address that would show that he did not send any funds to Besa Mafia.
15. Item 022 (Lexar 32 GB SD) contains the date and time stamped photos of Dean Cranston mowing his lawn across the street on 11/13/16. Dean Cranston was the witness that saw Amy alive, alone, and functioning normally in the garage at 4:40pm (over an hour after the State claimed that she died). The State told the jury that he was mistaken and saw

her on a different day (in violation of Napue v. Illinois). This is exonerating and impeaching evidence.

16. These devices also contain Amy's laptop and phone, and the Petitioner's laptops and phones which were used as evidence against the Petitioner. These likely contain additional exonerating evidence. For example, the State claims that the Petitioner did no work on Sunday afternoon. The Petitioner's work laptop would have the client logs for his instant messaging application which would demonstrate that the Petitioner was connected (not idle) to the Jabber server (the instant messaging platform). If the Petitioner was away from this computer for more than 5 minutes at a time his Jabber status would change to idle, and his supervisor would be notified and attempt to track him down. This would prove he was at his computer and did not have an opportunity to kill Amy and clean the crime scene (as claimed by the State). This evidence would be impeachment evidence against Detective Raymond (the State's witness).
17. As such, an evidentiary hearing should be granted to the Petitioner to put testimony in the record regarding why these devices were given to CFS and the impact of that decision on the trial and the Petitioner's Constitutional rights. This material is required to fully and completely present the Petitioner's arguments on Prosecutorial Misconduct and abuse of discretion by the lower court judges.

I, the undersigned, hereby affirm under penalty of perjury that the above and foregoing statements are true and correct, to the best of my knowledge.

FURTHER AFFIANT SAYETH NOT.

Subscribed and affirmed to this 7th day of February, 2024.

2024

Date: 2-7-24

st all
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This document was placed in the prison mail system on the date listed above and is deemed to be filed on that date. (Houston v. Lack, 487 U.S. 266, 275-76 (1988); Grady v. United States, 269 F.3d 913, 916 (8th Cir. 2001))